Late references
B Cf-256-13 (1-2).
Cf-321-16 (1-2) 1910
1/17-18/12

File No. 294-10
Serial Nos. 1-6

GENERAL AND REVENUE SECRETARIAT.

No 62-25 (1-8)
" 159-25 (1-4)
Cf-38-13 (1-9)
(Courts)
Cf. 71-45 (1-3)
1/53-16-1

Part A: Manuscript
for Feb 1912

Travelling allowances to Uspore officials attending criminal Courts in the Madras Presidency

Serial Nos. 1-6

1. Letter no 504 of 16th June 1911 from the Dt Magistrate Tumkur

Requests that the Madras Govt may be addressed, if deemed fit, ~~so that~~ to give Uspore Officers travelling allowances according to the Uspore Service Regulations when they attend criminal Courts in the Madras Presidency ~~in their official capacity~~.

2. Letter no 3889/5-7-11 to the Dt Magte Tumkur

GPB—5,000—20-3-06.

Intimates that information regarding the disposal of the claim ~~of~~ of Mr Rama Rao is awaited.

3) ~~From the~~ Letter No 918/18 Sch 1911 from the Dt Magistrate Tumkur.

Forwards a copy of the report by Mr Rama Rao in the Matter

4). To the H. A. Resident no Pol 737 dt 4. 3. 12

Requests that the Madras Govt. may be moved ~~with a view to allow~~ so that Durban officers may get for reasons stated travelling allowances according to the Mysore ~~Service~~ Regulations when they appear as witnesses in the Criminal Courts of the Madras Presidency

~~5) From the H A Resident no 4853~~

5) Memo no 4853 dt 6th Aug 1912 from the ~~H A~~ Resident.

Forwards ~~the~~ a copy of the order of the Madras Govt in the matter

6). No 873-933 dt 23rd Sch 1912 To the Heads of Depts. Dy Comrs Tumkur, other Dy. Comrs of Dts, Registrar Chief Court

Communicating the orders of the Madras Govt.

G.R.S. 11] 190 -11

GENERAL AND REVENUE SECRETARIAT

(Courts.)

NOTES.

Cts File No. 294-10.

FILE HEADING.

Travelling Allowance to Mysore Officials attending Criminal Courts in the Madras Presidency.

From

The District Magistrate of Tumkur.

No. 504 Dated 16.6.1911 Received 19.6.1911.

Diary No. 3133 | Enclos. one Spare Copies | Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that if deemed fit, the Madras Govt may be addressed to give the officers of the Mysore Govt who attend Criminal Courts in that Presidency, travelling allowance as per Mysore Service Regulations.

NOTES AND ORDERS.

Subd. We may perhaps wait and see how the claim of Mr. Rama Rao, Amildar-Magistrate will be disposed of by the District Magistrate of Cuddapah. Draft Calling for information on this

NOTES—First sheet.

GPB—15,000—24-4-09

Serial No.

point is submitted for approval or for other order.

Reg 2 (2) Under Go. No. 3002-12-Cto 29-07-13 & 28-3-1908, we have been ~~xxxxxxxx~~ allowing official witnesses coming from the Madras Presidency, travelling allowance and batta at those rates they are entitled to under their Govt, in the same way as the Madras Govt allows the witnesses going from Ceylon and French Dependencies in India. Our own officers summoned to give evidence in Criminal Court of facts which have come to their knowledge, or of matters with which they have to deal in their public capacity are allowed T.A. under the Rules for Journeys on tour, under ~~Rule~~ Article 624 of the Mysore Service Regulations. Submitted for order.

Cr. 94 and 95. (Criminal Procedure Code)

HCs. (122) 26.6.94 JN(11) 27/6/11

(3) We may await the result of the reference made by the Amildar of Gubbi. On the merits

NOTE—Contn. sheet.

GPB—50000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

C/S File No. 294 of 1910-1 Part.

Serial No.

it seems like a fair case for moving the Govt of Madras as recommended by the Dist. Magte of Tumkur

& 2 secd draft to the D.M.

27/6/11

2 To the District Magistrate of Tumkur. N° 38 dy 5.7.1911.

Awaits information regarding the disposal of the claim.

3 From the Same Officer. N° 91 dy 1.9.11.

Forwards a copy of the Amildar's letter, reporting that he was allowed Rs 21/- and that the amount is far below what he is entitled to under the Dmestic Service Regulation Rule 5 Mr. Rama Rao appears to have been treated as a non-official witness and allowed 2nd Class batta as prescribed for natives in the Table given in Rule 87 of the Madras Rules. Exception is taken for this treatment of Mr Rama Rao, who says that he attended

NOTE—Contn. sheet.

GPB—50,00 - 12-8-10

G. R. S. 12]
General and Revenue Secretariat.

File No. of 190

Serial No.

the Court at Madanpalli as an official witness to testify to facts which had come to his knowledge in his official Capacity in Mysore

Subg for orders

HC-122 SW-11
8-9-11

8/9/11

b The Contention of Mr Rama Rau appears to be reasonable

To Br for favour of remarks if any

12/9/11

Br-164 Submitted
12-9
Mint-29

a Have pay leaders or other foreign official witnesses what they are entitled to under the regulations of their Government, it seems nothing but fair that our Officers attending as witnesses in their Official Capacity should be similarly treated and the allowances admissible under the M.S.R. to them should be given & the Court requested to inform them. Both the Leaders of Bombay Govt may be moved in the matter.

Please refer to the rule or order on the subject & the circumstances which led to it. WR 13/9/11

Perused from the enclosed file it is seen that

12/9/11

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

97

we have of our own accord heard the witnesses of the parties as D.W.S and given them the la. admissible under their replies.

10 In view of the Hyd. H. Rule of practice allowing Rule of Court Ceylon leaves to the witnesses coming from the place he may move the Court to hear our pleas in the spirit of that rule given them la. under D.S.R. We do not know that the rules of practice are in Bombay but suppose they will also agree to a reciprocity. However the parties are supposed to give the concession to our men we may withdraw the concession allowed to their men giving evidence in a Cr. Case is public duty. The obligations on the person summoned and may be enforced & the threat of a warrant issued and there therefore need be no fear of the witness not turning up on the score of reduced allg.

Reserved) K Fazl

11 I generally agree though I am not sure as to A in the case of persons outside Mysore territories. WR

14/8

Kett) K Fazl

NOTE—Contn. sheet.

GPB—55,0 .7—27-4-09

Serial No. 12

Subd

SW(III)
15/9/11

13 With refer to point A marked above, it may be stated that a witness outside Mysore is not bound to obey the Summons issued by a Magistrate in Mysore and a warrant can not therefore be issued against him and, what is even more to the point, Even if issued can not be Executed outside Mysore ——— 2 believe, Similarly a Subject of the Mysore State living in Mysore is under no obligation to obey the a Summons issued by a Magistrate in British India, though if a warrant is wrongly issued its Execution Can not be prevented in Mysore

Here may perhaps move the Govt of Madras in the matter! Bombay rules are not very clear and we may wait till a Case arises

19/9/11.

Lee 15

Put up a draft to Resy pointing out that in the case of Mysore officers who are witnesses in their official capacity the allowances would be entitled to under the rules may be given

CSB
25/9/11.

SL
26/9/11

NOTE—Contn. sheet.

GPB—50,000—12-8-10

R. S. 12]
eneral and Revenue
Secretariat.

C G File No. 294 of 1911-12.

Serial No. 16

Draft Submitted

Hes-122 / 12-10-11 SW(II) / Secy) ... 14-10-11 Sdd

17 Draft as slightly revised may be approved.

2nd Cr + Dewan) ... CSB 6/12/12 SA 6/12/12

18 6/12/12 SA 6/12/12

14937 / 7.12

NOTE— Contn. sheet.

GPB—50,000—12-8-10

8

Submitted to His Highness.

"Draft for approval." 19 I submit for approval the draft of a letter proposed to be addressed to the Residency in the matter of the travelling allowances payable to Mysore officials attending Criminal Courts in the Madras Presidency to give evidence in their official capacity. Travelling Allowance is desired at rates prescribed in Mysore Service Regulations in the same way as Travelling Allowance is paid to British servants under British Regulations for appearing in Mysore Courts.

In P. Ananda Rao
13 Nov

9

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Draft letter proposed to be addressed to the Residency in the matter of the travelling allowances payable to Mysore officials attending Criminal Courts in the Madras Presidency in their official capacity.

13.2.12
No. 2574

(Book no. 1121)

Order.

Approved
~~KRW~~
23/2/12

10

G. R. S. 12]

General and Revenue Secretariat.

Cts File No. 294 of 1910–11

Serial No.	
4	To the H.A. Resident. N 737 & 4.3.12. Requests that the Madras Govt may be moved to allow to the Durbar officers appearing as witness in the Madras Courts the same allowances as they are entitled to under the Mysore Service Regulations.
5	From the same Officer. N 4553 & 6/8/12. Forwards a Copy of the Madras Govt order granting the allowances asked for.
	Subs for orders. May the Madras Go be published in the Mysore Gazette. Draft Subs.
	Reg-122 14/8/12 SN(11)
	(1) Put up a reply (or Endt) to the Dist. Magte Tumkur who first mooted the subject.
	(2) Is it not necessary to separately communicate the Go. to Heads of Depts?

Subs
The draft G.O. put up below will perhaps serve the purpose Hrs

NOTE—Contn. sheet.

GRP—65,000—17-6-12.

14

G. R. S. 12]

General and Revenue Secretariat.

Cls File No. 294 of 1910 - 11

Serial No.

Vb A draft order Communicating the Madras Govt order is also put up. So much only of the said Govt. orders quite necessary may perhaps be got printed without the Annexure. Subs for orders.

Yes. Hcg 122 15/8/12 SW(11)

27 may be appd

15/8/12

Sd

Seen

1st Councilor

~~2nd Member~~

22/8/12

SD 22-8-12

631. 28 Why should this appear in the Gazette? Are there any precedents or ~~rules~~ orders?

22/8/12

Bo ii 22/8

Yes. Govt Comm SD 24-8-12

Cls

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

12

G R. S. 12]

General and Revenue Secretariat.

C. File No. 294 of 1910 – 11.

Serial No. 31

Subd. There seems to be no order on this subject. The draft notification was put up on the analogy of the practice of publishing in our Gazette some of the important orders and notifications of the Madras Govt. communicated to the Darbar for information.

Acr. 122
28/8/12 W(11)

1st (R) SPR 28-8-12

33 I think it sufficient if it is communicated to Heads of Departments but there is no serious objn to publication if the Dewan considers it desirable.

29/8/12

Dewan 2.3 SPR 31.8.12

3173
31-8-12

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Submitted to His Highness.

Paper under disposal.

30 I submit for information, the Madras Government Proceedings No.1105 Judicial dated 10th July 1912, directing that the officials of the Mysore Durbar appearing as witnesses in their official capacity before Criminal Courts in the Madras Presidency may, if such claim be made, be paid their expenses at the rates at which they would be entitled under the Mysore Service Regulations. This is in reply to the Durbar's representation made in Secretary's Political No.737 dated 4th March 1912.

35 2. The Madras Government Order will be communicated to the Chief Court, Heads of Departments and Deputy Commissioners for information.

T. Ananda Rao
Dewan

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Proceedings of the Madras Government No.1105 dated 10th July 1912, sanctioning travelling expenses, at the rates admissible under the Mysore Service Regulations, to the officials of the Mysore Durbar appearing as witnesses in their official capacity before Criminal Courts in the Madras Presidency.

593
6.9.12

Order.

KRW
9/9/12

B III
Communicate to
Dadam for order to
Chief. Court &c. as noted &
no Submission note to be
23/13/9

16/9/12 ordd

17/9/12 37 draft sd

17/9/12

R. S. 12]

General and Revenue Secretariat. | C. File No. 294 of 1910-11.

Serial No.

Subd.

38 The draft order in the file, already approved by the Secretary may perhaps be issued, with the words "and be also published in the Mysore Gazette" being omitted.

Accs 122 (Ord. 09)
17/9/12

39 Yes.

A Rec 15/9/12

20/9/12

6 To the Heads of Departments
" Dy: Comrs, Tumkur Dt
" Dy: Comrs, Other Dts
" Registrar, Chief Court

No J873-913 dy 23-9-12

Orders that the foregoing correspondence of the Madras Govt be communicated to the Offices mentioned above.

NOTE—Contn. sheet.

GPE—6(,000—17-6-12.

Ill 7th 19 6 11

Secy

190 J3133

From

The District Magistrate,

Tumkur District,

Tumkur.

65 294-6-1

To

The Secretary to the Government of Mysore

General & Revenue Departments.

Dated 16th June 1911

Despatched 17th --do--

Received

General No. 504

No.

Enclosure No. 1

Forwarding a report from the Amildar Magistrate of Gubbi taluk and requesting to address the Madras Government if deemed fit to give the Officers of the Mysore Government travelling allowances as per Mysore Service Regulations.

Office of the

District Magistrate, Tumkur District,

Dated Tumkur, 16th June 1911.

17

From,

M. Shama Rao Esqr., M.A.,

District Magistrate,,

Tumkur District.

To,

C. S. Balasunadarm Iyer Esqr., B.A.,

Offg: Secretary to the Government of

His Highness the Maharaja of Mysore,

General and Revenue Departments,

Bangalore.

Sir,

In forwarding herewith a report from the Amildar Magistrate of Gubbi Taluk, I have the honor to state that the Madras Government may be addressed if deemed fit to give the Officers of the Mysore Government travelling allowances as per Mysore Service Regulations. The Officials of the French and Ceylon Governments are reported to be allowed allowances according to the Regulations of their respective Governments.

I have the honor to be,

Sir,

Your most obedient servant,

M. Shama Rao.

District Magistrate.

2nd

TBM.

Fee to 65 294-10-1

2

J. & L. 193/

Submitt. to the District Magistrate

Trichinopoly District

The undersigned appeared as a witness before the Stationary Sub-Magistrate on 29 March 1911 as he had recorded the confession of the accused in a murder case of Madampally Taluq- On claiming travelling allowance for the journey, he was informed that he would not be treated as a Mysore Government official but only as a private gentleman - The travelling allowance allowed being a single fare both ways - The undersigned protested & his bill has been sent up to the District Magistrate Cuddappa for favour of orders -

Gfl. 3368

Recd 6-4-11

Under Article 94 of the Rules of Practice for the guidance of Criminal courts in the Madras Presidency, Officers of the French

Government appearing & give evidence
befor British courts are allowed
full Batta according to their Govt
rules -

Article 95 of the same Rules
allows a similar concession to
officers of ~~ceylon~~ ceylon Government
who are also allowed to draw allowances
under their Government rules -

The undersigned had to record
the confession as a matter of his
official duty & if his Batta & allowance
are curtailed, he would be pecuniarily
a loser - He therefore prays that a
reference may kindly be made to the
Madras Government to extend the
Concessions of Articles 94 & 95 to employees
under the Mysore Government also -

Yours truly
M Ramachandra Rao -
Asst Surgeon

5. 5. 11

G.R.S. 26]

Cto File No. 294-10

Serial No. 2

3033/16

Diary No. of letter replied to

No. J 38

General and Revenue Secretariat

(cls)

, the 19 .

To

The District Magistrate

of Jumkur.

Date of issue 5-9-11

Signed by for S. Hiriyamaiya

Sir,

Adverting to your letter No 504 dated the 6th June 1911, in the matter of addressing the Madras Govt to give the officers of the State who attend the Criminal Courts in that Presidency, travelling allowance.

over.

SUBJECT.

5

under the Mysore Service Regulations, I am directed to state that information by the Madras Govt. regarding the disposal of the claim put forward by the Amildar-Magte (Mr. Rama Rao) is awaited.

I have &c.

for Secy.

SW(11) 27/6/11

GH
H.C.S. (122)
26.6.1911

List of enclosures,

Copied by

Examined by

GPB—20,000—26-9-10

1163

1163 W. 4/5 W. C.

190

From

The District Magistrate
Tuticorin District
Tuticorin

To

The Secy. to the Govt. of Madras,
General and Revenue Department

Dated 1st } September 1911.
Despatched 2nd }

Received

General No. 91

No.

Enclosure No. 1.

Forwarding Copy of a report received from the Assistant Magistrate, Sulur re the claim for travelling allowance put forward by him

—o—

6

-12-3

Office of the
District Magistrate, Tumkur District,
Dated, Tumkur 1st September 1911

From,

M. Rama Rai Esq. M.A.,
District Magistrate,
Tumkur District.

To.

C.S. Balasundaram Iyer Esq. B.A.,
Offg. Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
Bangalore.

Sir,

Referring to your letter no: J.38/Cis 294-6-2 dated the 5th July 1911, regarding the claim for travelling allowances put forward by Mr. Rama Rai (Amildar magistrate), I have the honor to forward herewith copy of a report received from the Amildar Magistrate on the subject.

I have the honor to be,
Sir,
Your most obedient servant,

for District magistrate

2nd

Enc to BS 284-10-3

Report no 126 dated 26th August 1911 of the Amildar Magistrate, Gubbi, regarding the Travelling allowances claimed by him for having attended the court of the stationary sub-Magistrate of Madanapalli Taluk

---

The undersigned has this day received Rs 21/- only by money order and keeps to attach the coupon.

According to the Mysore Service Regulations the undersigned would be entitled to the following batta and Travelling allowance:-

Double second class fare from Gubbi to Kurubalakota } 21-14-0

mileage for 8 miles from the Railway station to Madanapally } 3-0-0

An equal amount for the return journey } 24-14-0

One days Halting allowance 3-0-0

52-12-0

I beg to state that as I was an utter stranger to Madanpally and had no friends there I had to take my complete equipment with cook and kitchen and that my expenses amounted to the sum to which I would have been entitled under the Mysore Service Regulations.

On enquiring at the Stationary Sub Magistrate's court, I was told that two scales would be allowed to the witnesses

as noted below :-

I^st class scale

	Rs - As - Ps
Single I^st class fare both ways	44 — 0 —
Mileage at Annas 6 per mile for 8 miles return	6 — 0 —
Halting allowance at Rupee one	1 — 0 —
	51 — 0 —

II class scale

Single second class fare both ways	21 — 14 —
Two annas per mile	2 — 0 —
Halting allowance at as 8/-	0 — 8 —
	24 - 6 - 0

The second class scale would not give me half the amount of expenditure actually incurred and as the I^st class

scale was only slightly different from the amount I was entitled to under the Mysore Service Regulation I claimed Travelling allowance on the 1st class scale.

After a delay of nearly five months I have this day been favoured with Rs 21/- only and the coupon says that the District Superintendent has been pleased to classify me as a second class witness. I am thus put to great loss.

In this connection I beg to submit that I attended the court as a witness to testify to facts in my official capacity and not as a private man. I therefore pray that

I may not be made a loser for having done my duty.

Under article 94 of the Rules of Practice for guidance of criminal courts, the Officers of French Government are entitled to mileage and Batta according to French Service Regulations.

Under Article 95, the same concession is allowed to the Officers of ceylon Government when attending as witness in British courts.

These articles fix the amount which an officer would be entitled to according to

Station and the undersigned would not have suffered financially if similar concession had been extended to the Mysore service also.

The undersigned prays that the travelling allowance due to him may be fully passed and paid to him.

(Signed) M. Rama Rau
Assistant Master
Gudur

"Copy"

[illegible]

per District Magistrate

4

Fair Draft

G.R.S. 26]

2/2/15

Cts File No. 294-10

Serial No. 4.

Diary No. of letter replied to

Pol. No. 737

Encl

General and Revenue Secretariat

( )

, the 19 .

To

The First Assistant

to the Hon'ble the

Resident in Mysore

Date of issue 4-3-1912

Signed by

Murles Balasundaramiyer

Sir,

I am directed to

State that in obedience

to a Summons issued

by the Stationary Magte

of Madanpalli, the

Amildar-Magistrate

of Gubbi Taluk, (Mr. M

Rama Rao) Tumkur &c.

over.

SUBJECT.

District appeared as a witness before that officer, and deposed to facts which had come to his knowledge in his official capacity while recording the Confession of the accused in a certain murder Case. It is reported that the District Magistrate of Cuddapah has treated the said Amildar-Magistrate as a non-official witness falling under the Second Class, and has accordingly passed a batta of Rs 21/- in that Case. It is understood that this amount hardly covers half the expenditure actually incurred by the witness. I am to observe that under the rules issued by the

List of enclosures, one

Copied by

Examined by

GPB—20,000—26-9-10

[G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

Durbar Copy herein enclosed)
official witnesses coming
from the Madras Presidency
to attend Criminal Courts
in this Province are
allowed travelling
allowances and batta
at the rates to which they
are entitled under the
Madras Govt for travelling
on duty. The Durbar
consider it but fair to
expect similar treatment from
the British Govt in this
matter. It is also under-
stood that the Madras
Rules provide for the
witnesses coming from
Ceylon and the French
Dependencies in India
being paid their expenses
at the rates to which
they are entitled under
the Regulation of their own

in regard to Durbar officers

GPB—10,000—22-2-11

Govt in like case. In Mysore "official" witnesses are treated as travelling on duty, and given allowances at the rates prescribed in the Mysore Service Regulations. Under these circumstances I am ~~therefore~~ to request that the Madras Govt may be moved in the matter so that the Durbar officers who appear as witnesses in their official capacity may be given the allowances to which they are entitled under the Mysore Service Regulations for travelling on duty.

I have, etc.,

(Intd) C.S.B.

Secretary

Res 922
7-2-12.

17

DIARY No. 7388

Mysore Resident's Office

Bangalore, the 6th August 1912.

Proceedings of the Madras Government No. 1105 Judl., dated the 10th July 1912.

A *copy of the foregoing proceedings is forwarded herewith to the Government of His Highness the Maharaja of Mysore, for information with reference to Mr. Balasundaram Iyer's letter No. 737 Pol., dated the 4th March 1912.

with 8 spare copies

First Assistant Resident.

Government of Madras.

JUDICIAL DEPARTMENT.

Recd.	1912.	*Enclosures*
Regd.		*Spare copies*

G.O. No. 1105, 10th July 1912.

Rules for the payment of the expenses of complainants and witnesses attending criminal courts.

Promulgating, under section 544 of the Criminal Procedure Code, and with the previous sanction of the Government of India, a rule regarding the payment of the expenses of officials of the Mysore Durbar appearing to give evidence before criminal courts in this Presidency; directing the application of the rule on certain conditions to officials of other Native States; and publishing in the *Fort St. George Gazette* the — as amended with reference to these orders.

14

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

From the Resident in Mysore No. 1563 dated 13-3-1912. Read:—

Order—No. 1105, Judicial, dated 10th July 1912.

Under section 544 of the Code of Criminal Procedure, the Governor in Council, with the previous sanction of the Government of India, is pleased to make the following rules for the payment of expenses to officials of the Mysore Durbar appearing as witnesses in their official capacity before criminal courts in this Presidency. The Government will be prepared to extend the concession to official witnesses of any other Native States which may be willing to reciprocate in respect of British official witnesses appearing before their courts :—

Rules for the payment of the expenses of complainants and witnesses attending Criminal Courts in the City of Madras.

Add the following as rule 17 :—

"17. Officials of the Mysore Durbar appearing as witnesses in their official capacity before courts in Madras City may, if such claim be made, be paid their expenses at the rates at which they would be entitled under the Regulations of their own Government. This arrangement may be extended by the Government to other Native States which have agreed to pay the expenses of British official witnesses from the Madras Presidency appearing in their courts on the same scale as that admissible to them under the Regulations of the Madras Government."

Rules for the payment of the expenses of complainants and witnesses attending Criminal Courts in the Madras Presidency outside the Presidency Town.

Add the following as rule 13 :—

"13. Officials of the Mysore Durbar appearing as witnesses in their official capacity before courts in the Madras Presidency may, if such claim be made, be paid their expenses at the rates at which they would be entitled under the Regulations of their own Government. This arrangement may be extended by the Government to other Native States which have agreed to pay the expenses of British official witnesses from the Madras Presidency appearing in their courts on the same scale as that admissible to them under the Regulations of the Madras Government."

2. The Statutory Rules for the payment of the expenses of complainants and witnesses attending criminal courts in the City of Madras and in the mufassal, with the additional rules referred to above, are printed in the annexure to these proceedings and will be published in the *Fort St. George Gazette*.

(True Extract.)

A. G. CARDEW,
Ag. Chief Secretary.

To the Honourable the Resident in Mysore (with C.L.).
,, the District Magistrate, Bellary.
,, all other District Magistrates.
,, the Resident in Travancore and Cochin
,, the Political Agent, Pudukkōttai
,, the ,, Banganapalle
,, the ,, Sandur
(through the Political department).
,, the Accountant-General.
,, the Honourable the Chief Justice (with C.L.).
,, the Chief Presidency Magistrate.
,, the Commissioner of Police.
,, the General Officer Commanding, 9th (Secunderabad) Division (with C.L.).
,, the Agent to the Governor, Ganjām.
,, the ,, Vizagapatam.
,, the Government Agent, Gōdāvari.
,, the Financial department.
,, the Legislative department.
,, the Political department.
Gazette (Notifications in annexure).

[Annexure.

ANNEXURE.

NOTIFICATIONS.

I

Rules for the payment of the expenses of complainants and witnesses attending criminal courts in the City of Madras.

Under section 544 of the Code of Criminal Procedure, the Governor in Council, with the previous sanction of the Governor-General in Council, is pleased to make the following revised rules for regulating the payment, on the part of Government, of the expenses of witnesses (including complainants) attending the criminal courts in the City of Madras :—

1. Subject to the provisions hereinafter contained, the expenses of witnesses will be paid on behalf of Government in the following classes of cases, viz.—

(*a*) Cases shown in the second schedule of the Code of Criminal Procedure as not bailable.

(*b*) Cases in which the prosecution is instituted or carried on under the orders or with the sanction of the Governor in Council or of any public servants acting as such.

(*c*) Where the witness in question has been compelled to attend by a process issued under section 540 of the Code.

(*d*) Cases in which the court certifies that the attendance of such witness was directly in furtherance of the interests of public justice.

2. (1) For the purposes of these rules, Europeans, Eurasians and Natives shall be divided into three classes, and the Magistrate before whom they are required to appear, or the Commissioner of Police or in the case of witnesses from the mufassal, the Magistrate of the district from which they come shall fix the class with due regard to the station in life of each individual.

(2) For the purposes of this rule, the Magistrate of the district may delegate his powers to any Subordinate Magistrate.

3. The following are the maximum rates which may be awarded to the several classes of witnesses, and no expenses in excess of, or other than, those here provided for shall be allowed :—

Witness.	Class.	Subsistence allowance.	Carrriage-hire allowable for days of actual attendance.	Travelling expenses, if any incurred		
				By rail.	By road.	By sea or canal.
Europeans and Eurasions.	1st class.	5 rupees per day.	3 rupees per day.	1st class fare.	8 annas per mile.	Actual expenses of passage.
	2nd ,,	3 ,, ,,	2 ,, ,,	2nd class.	6 ,, ,,	
	3rd ,,	1½ ,, ,,	1 rupee ,,	3rd ,,	4 ,, ,,	
Natives ..	1st ,,	2 ,, ,,	2 rupees ,,	1st ,,	6 ,, ,,	
	2nd ,,	1 rupee ,,	1 rupee ,,	2nd ,,	2 ,, ,,	
	3rd ,,	5 annas ,,	*Nil.*	3rd ,,	2 ,, per 10 miles.	

4. All disbursements under these rules shall be made by the Commissioner of Police, to whom witnesses coming from the mufassal should report themselves on arrival at Madras.

5. Witnesses resident in the Presidency town will be entitled only to such actual expenses as they may show to the satisfaction of the Commissioner of Police that they have been obliged to incur in obedience to the process or order of the courts.

6. Witnesses sent from the mufassal will be furnished with a certificate by the despatching Magistrate showing the class to which they belong, the date of their departure, and the correct distances (if any) to be travelled by road; and unless such certificate is produced before the Commissioner of Police, that officer may disallow all or any of the expenses claimed.

7. Mufassal Magistrates may make reasonable advances to witnesses summoned by the High Court or Presidency Magistrates and requiring such advances to enable them to reach Madras, but shall in every such case note the same on the certificate referred to in rule 6. The Commissioner of Police should also be advised of such advances, and he will refund the amount to the officer making the advance.

8. Whenever it is practicable for witnesses to travel by rail or steamer, they shall be allowed no more than the rates prescribed for those modes of conveyance.

9. Subsistence allowance may be paid for the days occupied in travelling to Madras as well as in the return journey. The subsistence allowance at Madras will cease as soon after the conclusion of the inquiry or trial as the means of quitting the town become available.

10. The expenses of witnesses will be paid on production of a certificate signed by the presiding Magistrate or in the case of the High Court by the Clerk of the Crown setting forth the inquiry or trial in which their attendance was required and the days on which they attended.

11. It shall be competent to the court before which a witness appears to disallow payment of any expenses on behalf of Government if for any cause such court thinks fit to do so.

12. The Commissioner of Police will disallow the whole or part of the expenses of any witness for the defence whose evidence may not seem to him to have been material, unless he is satisfied that such witness has been brought down to Madras against his will and that no compensation for his expenses has been paid or deposited by the defendant. This power does not extend to the case of a witness who has been examined and certified by the Court or Magistrate to have been material.

13. In applying the foregoing rules to public servants to whom the Civil Service Regulations are applicable the following additional rules shall be observed : —

(1) When a public servant appears in any case under rule 1 to give evidence in his official capacity, that is, evidence of facts within his knowledge as an official, no payment shall be made to him, but the court will give him a certificate setting forth that he appeared to give evidence of what had come to his knowledge, or of matters with which he had to deal, in his official capacity, the dates on which he appeared and the period for which he was detained, so as to enable him to draw travelling allowance and batta under article 1133 of the Civil Service Regulations.

(2) When a public servant appears in his official capacity as a witness in a case which does not come under rule 1 (*e.g.*, in a case in which section 244 (3) or 257, Code of Criminal Procedure, is applied), or when a public servant appears to give evidence in any case as a private person, travelling allowance and batta may be paid to him in the ordinary manner, but the court shall send an advice of all such payments made to him to the head of the office in which he is employed. In this advice the amount paid as batta and the period during which the attendance of the witness in court was necessary shall be stated.

(3) When an official of the Court of Wards appears in his official capacity as witness in a case connected with an estate under the superintendence of the Court of Wards, the Judge or Magistrate before whom the trial takes place will furnish such official with a certificate showing the days on which he attended to give evidence and the amount of batta and travelling allowance paid to him on that account.

(4) When a public servant whose emoluments are governed by the Army Regulations, India, appears in any case under rule 1 to give evidence in his official capacity, he shall be paid the travelling allowance and batta admissible under these rules, and shall be furnished with a certificate showing in detail the amount paid. If the amount paid is less than the amount admissible to him under the military rules to which he is subject, the difference will be paid to him by the military authorities on production of the certificate.

14. Medical subordinates in Local Fund or Municipal employ (including Government servants lent to, and paid by, local bodies) when attending court to give evidence in their public capacity shall be paid the same rates of travelling allowance and batta as would be admissible to Government servants of similar grades under the Civil Service Regulations.

15. Subjects of the French Government who are in the official employ of that Government in the French Dependencies in India appearing as witnesses before criminal courts in Madras City may, if such claim be made, be paid their expenses at the rates to which they are entitled under the Regulations of their own Government in like case. Magistrates are required to refer any claim under this rule for scrutiny to the Collector of South Arcot, who is the Special Political Agent for the French Dependencies in India.

16. Officials of the Government of Ceylon appearing as witnesses before courts in Madras City may, if such claim be made, be paid their expenses at the rates to which they are entitled under the Regulations of their own Government in like case. The claim should be submitted through the head of the department to which the official belongs.

17. Officials of the Mysore Durbar appearing as witnesses in their official capacity before courts in Madras City may, if such claim be made, be paid their expenses at the rates at which they would be entitled under the Regulations of their own Government. This arrangement may be extended by the Government to other Native States which have agreed to pay the expenses of British official witnesses from the Madras Presidency appearing in their courts on the same scale as that admissible to them under the Regulations of the Madras Government.

II

Rules for the payment of the expenses of complainants and witnesses attending criminal courts in the Madras Presidency outside the Presidency Town.

Under section 544 of the Code of Criminal Procedure, the Governor in Council, with the previous sanction of the Governor-General in Council, is pleased to make the following revised rules for regulating the payment, on the part of Government, of the expenses of witnesses (including complainants) attending criminal courts in the Madras Presidency other than those of the City of Madras :—

1. The criminal courts are authorised to pay, at the rates specified in rule 4, the expenses of complainants and witnesses in cases in which the prosecution is instituted or carried on by, or under the orders, or with the sanction of the Government, or of any Judge, Magistrate, or other public officer, or when it shall appear to the Judge or Magistrate presiding over such court to be directly in furtherance of the interests of public justice; also in cases entered in column 5 of schedule II appended to the Code of Criminal Procedure as not bailable; and in all cases in which the witnesses are compelled to attend by a Magistrate under the provisions of chapter XLVI of the Code.

2. (1) For the purpose of these rules witnesses are divided into two classes, namely, or officials and non-officials. Official witnesses, that is to say, public servants to whom the Civil Service Regulations are applicable summoned to give evidence as officials, are entitled to receive for their journeys to and from the court and for the days spent by them in attendance at the court to give evidence in cases coming under rule 1, travelling allowances at the rates prescribed by the Civil Service Regulations for the time being in force. The court shall not, however, make any payment to official witnesses in such cases, but shall grant them certificates setting forth that they appeared to give evidence of what had come to their knowledge, or of matters with which they had to deal, in their official capacity, the date on which they appeared and the period for which they are detained, so as to enable them to draw travelling allowance and batta under article 1133 of the Civil Service Regulations.

(2) When a public servant appears in his official capacity as a witness in other cases (*e.g.*, in cases in which section 244 (3) or 257, Code of Criminal Procedure, is applied), or when a public servant appears to give evidence in any case as a private person, travelling allowance and batta may be paid to him in the ordinary manner, but the court shall send an advice of all such payments made to him to the head of the office in which he is employed. In this advice the amount paid as batta and the period during which the attendance of the witness in court was necessary shall be stated.

(3) When an official of the Court of Wards appears in his official capacity as a witness in a case connected with an estate under the superintendence of the Court of Wards, the Judge or Magistrate before whom the trial takes place will furnish such official with a certificate showing the days on which he attended to give evidence and the amount of batta and travelling allowance paid to him on that account.

(4) When a public servant whose emoluments are governed by the Army Regulations, India, appears in any case under rule 1 to give evidence in his official capacity, he shall be paid the travelling allowance and batta admissible under these rules, and shall be furnished with a certificate showing in detail the amount paid. If the amount paid is less than the amount admissible under the military rules to which he is subject, the difference will be paid to him by the military authorities on production of the certificate.

3. Medical subordinates in Local Fund or Municipal employ (including Government servants lent to and paid by local bodies) when attending court to give evidence in their public capacity shall be paid the same rates of travelling allowance and batta as would be admissible to Government servants of similar grades under the Civil Service Regulations.

4. Non-official witnesses are entitled to travelling allowances under two different scales as shown below according as they are (1) Europeans or East Indians, or (2) Natives. Persons falling under either of these descriptions are, for the purposes of these rules, divided into three classes; and the Judge or Magistrate before whom they are required to appear either as complainants or as witnesses shall be careful to fix the class with due regard to the station in life which they occupy—

	Europeans and East Indians.			Natives.		
	First class.	Second class.	Third class.	First class.	Second class.	Third class.
Travelling allowance—						
By rail	First-class fare.	Second-class fare.	Third-class fare.	First-class fare.	Second-class fare	Third-class fare.
By road	As. 8 per mile.	As. 4 per mile.	As. 2 per mile.	As. 6 per mile.	As. 2 per mile.	3 pies per mile.
By sea or canal ..	Actual expenses of passage.			Actual expenses of passage.		
Batta not to exceed ..	Rs. 3 *per diem.*	Re. 1 *per diem.*	As. 8 *per diem.*	Re. 1 *per diem.*	As. 8 *per diem.*	As. 4 *per diem.*

5. In cases within rule 1, the Commissioner of Police may make reasonable advances to witnesses resident in the City of Madras who are summoned by a criminal court in the mufassal and who require the advances to enable them to reach the court. The court issuing the summons, on being advised by the Commissioner of Police of the advances made, will refund the amount to him.

6. The distance for which mileage and the number of days for which batta should be allowed for the journey to and from the station at which the court is held and for attendance at court shall be determined by the Judge or Magistrate ordering the payment in each case.

7. All bills for travelling allowance and batta to complainants and witnesses attending before the courts of Magistrates of the second and the third classes shall be scrutinized by the Magistrate of the division in which such courts are situated before the charges included in them are finally passed.

8. Whenever a Magistrate dismisses a case as frivolous or vexatious under section 250 of the Code of Criminal Procedure, no travelling allowance or batta shall be granted to the complainant in such case.

9. The criminal courts are authorized to pay the necessary and actual expenses of carriage to a witness travelling by road, in the case of persons whose sickness, age, position or habits of life render it impossible for them to walk, provided the expense incurred under this rule shall in no case exceed As. 8 a mile.

10. To Natives and Europeans graded in the first class of non-officials, there may also be allowed the actual cost of carriage-hire to and from court on the days of attendance at court.

11. Subjects of the French Government who are in the official employ of that Government in the French Dependencies in India appearing as witnesses before criminal courts in the Madras Presidency may, if such claim be made, be paid their expenses at the rates to which they are entitled under the Regulations of their own Government in like case. Magistrates are required to refer any doubtful claim for scrutiny to the Collector of South Arcot who is the Special Political Agent for the French Dependencies in India.

12. Officials of the Government of Ceylon appearing as witnesses before criminal courts in the Madras Presidency may, if such claim be made, be paid their expenses at the rates to which they are entitled under the Regulations of their own Government in like case. The claim should be submitted through the head of the department to which the official belongs.

13. Officials of the Mysore Durbar appearing as witnesses in their official capacity before courts in the Madras Presidency may, if such claim be made, be paid their expenses at the rates at which they would be entitled under the Regulations of their own Government. This arrangement may be extended by the Government to other Native States which have ageeed to pay the expenses of British official witnesses from the Madras Presidency appearing in their courts on the same scale as that admissible to them under the Regulations of the Madras Government.

9:19:12

G.R.S. 28]

C5 File No. 294-10.
Serial No. 6.

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(C5)

, *the* 19

Printed

Date of issue 23-9-12

Signed by

READ— (1) Letters No 504 and 91 dated the 16th June and 18th September 1911, respectively, from the Dy Commissioner Tumkur

~~ORDER THEREON.—~~ No.

District requesting sanction for (2) Correspondence ending with Endorsement No 4553 dated the 6th August 1912 from the First

Sanction for the rates mentioned in the Government Order for attending Courts in Bangalore and Madras for giving Evidence in criminal cases, travelling allowances, in accordance with the rules framed thereunder.

over.

SUBJECT.

GPB—10,000-29-9-10

Assistant to the Honble
the Resident in Mysore,
forwarding the following
Proceedings of the Madras
Govt. No 1105 Judicial dated
the 10th July 1912.

(Have entered the Madras
Go.)

Order thereon, No: J843-913/C5-294-10-6 & 23/9/12

Ordered that the foregoing
Proceedings of the Madras
Govt be Communicated to
the Heads of Departments
and Dy. Commissioners
of Districts, the Registrar Chief Court
~~and be also published in the Mysore~~
~~Govt Gazette~~

Print

WD 27/9/12
Offg Secretary to Govt

To WD (1) 27/9/12
The Heads of Depts.
" Dy Commr. Tumkur &c.
" Dy Commrs of other Districts.
" Registrar, Chief Court.

COPIES 21/9/12

DJG
Accs 122
15/8/12

EJD
MBG
MLG

Proceedings of the Government of His Highness the Maharaja of Mysore.

READ—

Letters Nos. 504 and 91, dated the 16th June and 1st September 1911, respectively, from the Deputy Commissioner, Tumkur District, requesting that the Madras Government may be moved to give to officers of the Mysore Government attending courts in British India to give evidence in Criminal cases, travelling allowance in accordance with the Mysore Service Regulations.

2. Correspondence ending with Endorsement No. 4553, dated the 6th August 1912, from the First Assistant to the Hon'ble the Resident in Mysore, forwarding the following Proceedings of the Madras Government No. 1105, Judicial, dated the 10th July 1912.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—

From the Resident in Mysore No. 1563, dated 13th March 1912.

Order—No. 1105, Judicial, dated 10th July 1912.

Under section 544 of the Code of Criminal Procedure, the Governor in Council, with the previous sanction of the Government of India, is pleased to make the following rules for the payment of expenses to officials of the Mysore Durbar appearing as witnesses in their official capacity before criminal courts in this Presidency. The Government will be prepared to extend the concession to official witnesses of any other Native States which may be willing to reciprocate in respect of British official witnesses appearing before their courts :—

Rules for the payment of the expenses of complainants and witnesses attending criminal courts in the City of Madras.

Add the following as rule 17 :—

"17. Officials of the Mysore Durbar appearing as witnesses in their official capacity before courts in Madras City may, if such claim be made, be paid their expenses at the rates at which they would be entitled under the Regulations of their own Government. This arrangement may be extended by the Government to other Native States which have agreed to pay the expenses of British official witnesses from the Madras Presidency appearing in their courts on the same scale as that admissible to them under the Regulations of the Madras Government.

Rules for the payment of the expenses of complainants and witnesses attending criminal courts in the Madras Presidency outside the Presidency Town.

Add the following as rule 13 :—

" 13. Officials of the Mysore Durbar appearing as witnesses in their official capacity before courts in the Madras Presidency may, if such claim be made, be paid their expenses at the rates at which they would be entitled under the Regulations of their own Government. This arrangement may be extended by the Government to other Native States which have agreed to pay the expenses of British official witnesses from the Madras Presidency appearing in their courts on the same scale as that admissible to them under the Regulations of the Madras Government."

ANNEXURE.

NOTIFICATIONS.

I

Rules for the payment of the expenses of complainants and witnesses attending criminal courts in the City of Madras.

Under section 544 of the Code of Criminal Procedure, the Governor in Council, with the previous sanction of the Governor-General in Council, is pleased to make the following revised rules for regulating the payment, on the part of Government, of the expenses of witnesses (including complainants) attending the criminal courts in the City of Madras :—

1. Subject to the provisions hereinafter contained, the expenses of witnesses will be paid on behalf of Government in the following classes of cases, *viz.*—

(*a*) Cases shown in the second schedule of the Code of Criminal Procedure as not bailable.

(*b*) Cases in which the prosecution is instituted or carried on under the orders or with the sanction of the Governor in Council or of any public servants acting as such.

(*c*) Where the witness in question has been compelled to attend by a process issued under section 540 of the Code.

(*d*) Cases in which the court certifies that the attendance of such witness was directly in furtherance of the interests of public justice.

2. (1) For the purposes of these rules, Europeans, Eurasians and Natives shall be divided into three classes, and the Magistrate before whom they are required to appear, or the Commissioner of Police or in the case of witnesses from the mufassal, the Magistrate of the district from which they come shall fix the class with due regard to the station in life of each individual.

(2) For the purposes of this rule, the Magistrate of the district may delegate his powers to any subordinate Magistrate.

3. The following are the maximum rates which may be awarded to the several classes of witnesses, and no expenses in excess of, or other than, those here provided for shall be allowed :—

Witness	Class	Subsistence allowance.	Carriage-hire allowable for days of actual attendance	Travelling expenses, if any, incurred		
				By rail	By road	By sea or canal.
Europeans and Eurasians.	1st class.	5 rupees per day.	3 rupees per day.	1st class fare.	8 annas per mile.	Actual expenses of passage.
	2nd ,,	3 ,, ,,	2 ,, ,,	2nd class.	6 ,, ,,	
	3rd ,,	1½ ,, ,,	1 rupee ,,	3rd ,,	4 ,, ,,	
Natives ...	1st ,,	2 ,, ,,	2 rupees ,,	1st ,,	6 ,, ,,	
	2nd ,,	1 rupee ,,	1 rupee ,,	2nd ,,	2 ,, ,,	
	3rd ,,	5 annas ,,	*Nil.*	3rd ,,	2 ,, per 10 miles.	

4. All disbursements under these rules shall be made by the Commissioner of Police, to whom witnesses coming from the mufassal should report themselves on arrival at Madras.

5. Witnesses resident in the Presidency town will be entitled only to such actual expenses as they may show to the satisfaction of the Commissioner of Police that they have been obliged to incur in obedience to the process or order of the courts.

6. Witnesses sent from the mufassal will be furnished with a certificate by the despatching Magistrate showing the class to which they belong, the date of their departure, and the correct distances (if any) to be travelled by road; and unless such certificate is produced before the Commissioner of Police, that Officer may disallow all or any of the expenses claimed.

7. Mufassal Magistrates may make reasonable advances to witnesses summoned by the High Court or Presidency Magistrates and requiring such advances to enable them to reach Madras, but shall in every such case note the same on the certificate referred to in rule 6. The Commissioner of Police should also be advised of such advances, and he will refund the amount to the officer making the advance.

8. Whenever it is practicable for witnesses to travel by rail or steamer, they shall be allowed no more than the rates prescribed for those modes of conveyance.

9. Subsistence allowance may be paid for the days occupied in travelling to Madras as well as in the return journey. The subsistence allowance at Madras will cease as soon after the conclusion of the inquiry or trial as the means of quitting the town become available.

10. The expenses of witnesses will be paid on production of a certificate signed by the presiding Magistrate or in the case of the High Court by the Clerk of the Crown setting forth the inquiry or trial in which their attendance was required and the days on which they attended.

11. It shall be competent to the court before which a witness appears to disallow payment of any expenses on behalf of Government if for any cause such court thinks fit to do so.

12. The Commissioner of Police will disallow the whole or part of the expenses of any witness for the defence whose evidence may not seem to him to have been material, unless he is satisfied that such witness has been brought down to Madras against his will and that no compensation for his expenses has been paid or deposited by the defendant. This power does not extend to the case of a witness who has been examined and certified by the court or Magistrate to have been material.

13. In applying the foregoing rules to public servants to whom the Civil Service Regulations are applicable the following additional rules shall be observed :—

(1) When a public servant appears in any case under rule 1 to give evidence in his official capacity, that is, evidence of facts within his knowledge as an official, no payment shall be made to him, but the court will give him a certificate setting forth that he appeared to give evidence of what had come to his knowledge, or of matters with which he had to deal

Judicial and Legislative (Courts), dated 23rd September 1912.

in his official capacity, the dates on which he appeared and the period for which he was detained so as to enable him to draw travelling allowance and batta under Article 1133 of the Civil Service Regulations.

(2) When a public servant appears in his official capacity as a witness in a case which does not come under rule 1 (*e.g.*, in a case in which Section 244 (3) or 257, Code of Criminal Procedure, is applied), or when a public servant appears to give evidence in any case as a private person, travelling allowance and batta may be paid to him in the ordinary manner, but the court shall send an advice of all such payments made to him to the head of the office in which he is employed. In the advice this amount paid as batta and the period during which the attendance of the witness in court was necessary shall be stated.

(3) When an official of the Court of Wards appears in his official capacity as witness in a case connected with an estate under the superintendence of the Court of Wards, the Judge or Magistrate before whom the trial takes place will furnish such official with a certificate showing the days on which he attended to give evidence and the amount of batta and travelling allowance paid to him on that account.

(4) When a public servant whose emoluments are governed by the Army Regulations, India, appears in any case under rule 1 to give evidence in his official capacity, he shall be paid the travelling allowance and batta admissible under these rules, and shall be furnished with a certificate showing in detail the amount paid. If the amount paid is less than the amount admissible to him under the Military Rules to which he is subject, the difference will be paid to him by the military authorities on production of the certificate.

14. Medical subordinates in Local Fund or Municipal employ (including Government servants lent to, and paid by, local bodies) when attending court to give evidence in their public capacity shall be paid the same rates of travelling allowance and batta as would be admissible to Government servants of similar grades under the Civil Service Regulations.

15. Subjects of the French Government who are in the official employ of that Government in the French Dependencies in India appearing as witnesses before criminal courts in Madras City may, if such claim be made, be paid their expenses at the rates to which they are entitled under the Regulations of their own Government in like case. Magistrates are required to refer any claim under this rule for scrutiny to the Collector of South Arcot, who is the Special Political Agent for the French Dependencies in India.

16. Officials of the Government of Ceylon appearing as witnesses before courts in Madras City may, if such claim be made, be paid their expenses at the rates to which they are entitled under the Regulations of their own Government in like case. The claim should be submitted through the head of the department to which the official belongs.

17. Officials of the Mysore Durbar appearing as witnesses in their official capacity before courts in Madras City may, if such claim be made, be paid their expenses at the rates at which they would be entitled under the Regulations of their own Government. This arrangement may be extended by the Government to other Native States which have agreed to pay the expenses of British Official witnesses from the Madras Presidency appearing in their courts on the same scale as that admissible to them under the Regulations of the Madras Government.

II.

Rules for the payment of the expenses of complainants and witnesses attending criminal courts in the Madras Presidency outside the Presidency Town.

Under section 544 of the Code of Criminal Procedure, the Governor in Council, with the previous sanction of the Governor-General in Council, is pleased to make the following revised rules for regulating the payment, on the part of Government, of the expenses of witnesses (including complainants) attending Criminal Courts in the Madras Presidency other than those of the City of Madras:—

1. The criminal courts are authorised to pay, at the rates specified in rule 4, the expenses of complainants and witnesses in cases in which the prosecution is instituted or carried on by, or under the orders, or with the sanction of the Government, or of any Judge, Magistrate, or other public officer, or when it shall appear to the Judge or Magistrate presiding over such court to be directly in furtherance of the interests of the public justice; also in cases entered in column 5 of Schedule II appended to the Code of Criminal Procedure as not bailable; and in all cases in which the witnesses are compelled to attend by a Magistrate under the provisions of Chapter XLVI of the Code.

2. (1) For the purpose of these rules witnesses are divided into two classes, namely, of officials and non-officials. Official witnesses, that is to say, public servants to whom the Civil Service Regulations are applicable summoned to give evidence as officials, are entitled to receive for their journeys to and from the court and for the days spent by them in attendance at the court to give evidence in cases coming under rule 1, travelling allowances at the rates

prescribed by the Civil Service Regulations for the time being in force. The court shall not, however, make any payment to official witnesses in such cases, but shall grant them certificates setting forth that they appeared to give evidence of what had come to their knowledge or of matters with which they had to deal, in their official capacity, the date on which they appeared and the period for which they are detained, so as to enable them to draw travelling allowance and batta under Article 1133 of the Civil Service Regulations.

(2) When a public servant appears in his official capacity as a witness in other cases (*e.g.*, in cases in which section 244 (3) or 257, Code of Criminal Procedure, is applied), or when a public servant appears to give evidence in any case as a private person, travelling allowance and batta may be paid to him in the ordinary manner, but the court shall send an advice of all such payments made to him to the head of the office in which he is employed. In this advice the amount paid as batta and the period during which the attendance of the witness in court was necessary shall be stated.

(3) When an official of the Court of Wards appears in his official capacity as a witness in a case connected with an estate under the superintendence of the Court of Wards, the Judge or Magistrate before whom the trial takes place will furnish such official with a certificate showing the days on which he attended to give evidence and the amount of batta and travelling allowance paid to him on that account.

(4) When a public servant whose emoluments are governed by the Army Regulations, India, appears in any case under rule 1 to give evidence in his official capacity, he shall be paid the travelling allowance and batta admissible under these rules, and shall be furnished with a certificate showing in detail the amount paid. If the amount paid is less than the amount admissible under the military rules to which he is subject, the difference will be paid to him by the military authorities on production of the certificate.

3. Medical subordinates in Local Fund or Municipal employ (including Government servants lent to and paid by local bodies) when attending court to give evidence in their public capacity shall be paid the same rates of travelling allowance and batta as would be admissible to Government servants of similar grades under the Civil Service Regulations.

4. Non-official witnesses are entitled to travelling allowances under two different scales as shown below according as they are (1) Europeans or East Indians, or (2) Natives. Persons falling under either of these descriptions are, for the purposes of these rules, divided into three classes; and the Judge or Magistrate before whom they are required to appear either as complainants or as witnesses shall be careful to fix the class with due regard to the station in life which they occupy—

—	Europeans and East Indians			Natives		
	First class	Second class	Third class	First class	Second class	Third class
Travelling allowance—						
By rail	First-class fare	Second-class fare	Third-class fare	First-class fare	Second-class fare	Third-class fare
By road	As. 8 per mile	As. 4 per mile	As. 2 per mile	As. 6 per mile	As. 2 per mile	3 pies per mile
By sea or canal ...	Actual expenses of passage			Actual expenses of passage		
Batta not to exceed ...	Rs. 3 *per diem*	Re. 1 *per diem*	As. 8 *per diem*	Re. 1 *per diem*	As. 8 *per diem*	As. 4 *per diem*

5. In cases within rule 1, the Commissioner of Police may make reasonable advances to witnesses resident in the City of Madras who are summoned by a criminal court in the mufassal and who require the advances to enable them to reach the court. The court issuing the summons, on being advised by the Commissioner of Police of the advances made, will refund the amount to him.

6. The distance for which mileage and the number of days for which batta should be allowed for the journey to and from the station at which the court is held and for attendance at court shall be determined by the Judge or Magistrate ordering the payment in each case.

7. All bills for travelling allowance and batta to complainants and witnesses attending before the courts of Magistrates of the second and the third classes shall be scrutinized by the Magistrate of the division in which such courts are situated before the charges included in them are finally passed.

8. Whenever a Magistrate dismisses a case as frivolous or vexatious under section 250 of the Code of Criminal Procedure, no travelling allowance or batta shall be granted to the complainant in such case.

Judicial and Legislative (Courts), dated 23rd September 1912.

9. The criminal courts are authorized to pay the necessary and actual expenses of carriage to a witness travelling by road, in the case of persons whose sickness, age, position or habits of life render it impossible for them to walk, provided the expense incurred under this rule shall in no case exceed As. 8 a mile.

10. To Natives and Europeans graded in the first class of non-officials, there may also be allowed the actual cost of carriage-hire to and from court on the days of attendance at court.

11. Subjects of the French Government who are in the official employ of that Government in the French Dependencies in India appearing as witnesses before criminal courts in the Madras Presidency may, if such claim be made, be paid their expenses at the rates to which they are entitled under the Regulations of their own Government in like case. Magistrates are required to refer any doubtful claim for scrutiny to the Collector of South Arcot who is the Special Political Agent for the French Dependencies in India.

12. Officials of the Government of Ceylon appearing as witnesses before criminal courts in the Madras Presidency may, if such claim be made, be paid their expenses at the rates to which they are entitled under the Regulations of their own Government in like case. The claim should be submitted through the head of the department to which the official belongs.

13. Officials of the Mysore Durbar appearing as witnesses in their official capacity before courts in the Madras Presidency may, if such claim be made, be paid their expenses at the rates at which they would be entitled under the Regulations of their own Government. This arrangement may be extended by the Government to other Native States which have agreed to pay the expenses of British official witnesses from the Madras Presidency appearing in their courts on the same scale as that admissible to them under the Regulations of the Madras Government.

No. J. 873-913—CTS. 294-10-6, DATED BANGALORE, 23RD SEPTEMBER 1912.

ORDER THEREON.—Ordered that the foregoing Proceedings of the Madras Government be communicated to the Heads of Departments and Deputy Commissioners of Districts and the Registrar of the Chief Court.

for Offg. Secy. to Govt., Gen. & Rev. Depts.

To—The Heads of Departments.
The Deputy Commissioner, Tumkur District.
The Deputy Commissioners of other Districts.
The Registrar of the Chief Court of Mysore.

Exd.—C. R.

1912-13

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

JUDICIAL AND LEGISLATIVE
(COURTS)

PROCEEDINGS

Dated 23rd September 1912

No. J. 873-913
Cts. 294-10-6

Orders the forwardal to all the Heads of Departments, of copies of the Madras Government Proceedings No. 1105, Judicial, dated 10th July 1912, ordering the grant of travelling allowance in accordance with the Mysore Service Regulations, to the officers of the Mysore Government attending courts in British India in their official capacity to give evidence in criminal cases.

GPB—9-10-12—150